

Remarks/Arguments:

Claims 67-72 and 74-82 are pending. Claim 67 is amended.

In the Decision on Request for Rehearing decided by the Board on December 29, 2008, the Board emphasized that the term "configured to mate" in claim 67 fell short of requiring an actual mated structure:

- (1) "[T]he expression "configured to mate" only describes the extender, and there is no requirement in claim 67 that the extender be introduced into the vasculature or actually mated with the body. Only the body is stated as having been emplaced."
- (2) "Note that the claim never requires these two pieces--opening 6 and straight graft 18--to be connected, only that they be 'configured to mate.' "
- (3) "[T]he claim does not require the installation of the extender in the longer leg, only that these structure [sic] be somehow 'configured to mate.' "
- (4) "As we have detailed above, these structures of Martin would certainly 'fit,' i.e., dimensionally. Their actual use together is not required in claim 67."
- (5) "[W]hether these parts are stented or not is immaterial as they are not required to actually be mated by the claimed subject matter."

By this Preliminary Amendment, the claims have been amended to require actual mating relationship between the components, thus addressing the Board's apparent concern that claim 67 recited "configured to mate" as opposed to "mated" components. Specifically, claim 67, the sole independent claim, has been amended to recite that the extender is mated with the first leg after the body is placed in vasculature.

This amendment also addresses the Examiner's apparent concern that claim 67 recited "configured to mate" as opposed to "mated" components, and it overcomes the rejection based on Martin. As stated in the Examiner's Answer issued May 25, 2006, "While Martin does not teach or suggest mating or engaging the extender 18 to the longer leg 6, the current

claims are not directed to a surgical procedure or process but instead are drawn to a device in which the actual mating of the longer leg to the extender is *not* positively recited." (emphasis in original) By this Preliminary Amendment, the actual mating of the extender with the first (longer) leg is now positively recited.

For the foregoing reasons, allowance of this application is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink that reads "Joshua L. Cohen". The signature is written in a cursive style with a horizontal line underneath it.

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